

Exhibit

17

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3 BRAUN GmbH,

)

)

4 Plaintiff,

)

)

5 -vs-

)

No. 03-CV-12428 (WGY)

)

6 RAYOVAC CORPORATION,

)

)

7 Defendant.

)

8
9 Videotaped deposition of GILBERT GREAVES taken
10 before TRACY L. BLASZAK, CSR, CRR, and Notary Public,
11 pursuant to the Federal Rules of Civil Procedure for the
12 United States District Courts pertaining to the taking
13 of depositions, at Braun GmbH, Frankfurter Strasse 145,
14 D-61476 Kronberg im Taunus, Germany, at 10:04 a.m. on
15 the 29th day of April, A.D., 2005.

16 There were present at the taking of this
17 deposition the following counsel:

1 Q Okay. You said that you left business
2 management in 1997, is that right?

3 A Correct.

4 Q Did you ever come to have responsibility in that
5 facility as a business management director for shavers?

6 A I was responsible for shavers from 1990 to 1997,
7 until March, '97.

8 Q Okay. And so you did this sort of market
9 research or you saw this sort of market research and
10 analysis for consumer preferences related to shavers?

11 A Correct.

12 Q Did this research include the analysis of dry
13 shavers?

14 A I was responsible for dry shavers, yes.

15 Q Were you solely responsible for dry shavers or
16 all shavers including wet shavers?

17 A No, no, no, only Braun electric shavers. That
18 was my area -- within Braun.

19 Q And that started in 1990?

20 A That started in 1990 and terminated in March,
21 1997.

22 Q Okay. Prior to working specifically on the dry
23 shavers, were you in the households group?

24 A The whole time --

1 A Correct.

2 Q Okay. This case study, why did you develop it?

3 A It was -- I was invited to give a presentation
4 on innovation and product development at Braun by an
5 outside institute. And the cleaning center was a good
6 example of the process.

7 Q Why was it a good example on the process?

8 A It was a successful product which is
9 commercially -- well, it was successful to the consumer
10 and commercially successful, as well.

11 Q Okay. And was that the conclusion or was that
12 the -- sort of the premise of your case study analysis?

13 A I think it was the facts of the -- what was
14 happening on the market.

15 Q Okay. Was the case study, did it relate just
16 the facts that were happening on the market in 2002 or
17 2003, or did that case study sort of chronical the
18 development of the project?

19 A Some aspects of the development of the project
20 were part of the presentation.

21 Q Okay. Do you remember what aspects those were?

22 A They were concerned with the evaluation of
23 the -- some of the research that was done in terms of
24 its ability to evaluate the consumer potential for the

1 project.

2 Q So this is that market research that we were
3 referring to?

4 A There was some market research results based on
5 surveys executed later than the time that I was shavers.

6 MR. UELAND: She has passed me a note that we have
7 to change the tape. So if we could just briefly take a
8 break while she changes the tape, but if we could all
9 remain in the room, and I think it will take a second,
10 unless you want to leave.

11 MR. PATTON: No, I just saw the opportunity to get a
12 cup of coffee maybe. I'll look, and if the door is
13 open.

14 THE VIDEOGRAPHER: This marks the end of tape No. 11
15 in the deposition of Gilbert Greaves. We are off the
16 record at 11:26.

17 (a brief recess was taken)

18 THE VIDEOGRAPHER: This marks the beginning of tape
19 No. 2 in the deposition of Gilbert Greaves. We are on
20 the record at 11:33.

21 MR. UELAND: Q Welcome back, Mr. Greaves.

22 A Thank you.

23 Q Before we took our brief break we were talking
24 about a case study that you prepared in the 2002-2003

1 time period related to the Clean & Charge product.

2 In the course of our discussion about that you
3 told me that you came to know that after you left your
4 role as business management director there was market
5 research done. And you knew that because you saw some
6 of that information in preparing this case study?

7 A Correct.

8 Q And so did you review documents in preparing
9 your case study?

10 A Correct.

11 Q Okay. Do you remember what documents you
12 reviewed?

13 A They were research reports on concept work in
14 connection with the cleaning center.

15 Q When you say concept work, what do you mean by
16 that?

17 A If I may paraphrase?

18 Q Sure.

19 A In the absence of a product that could be shown
20 and demonstrated to the respondents, there would be
21 maybe a drawing with an explanation of what the product
22 did. And then respondents would be asked whether they
23 found it interesting, whether they liked it, did they
24 believe in it, how much would they be prepared to pay

1 for it, et cetera, et cetera, et cetera.

2 Q Okay.

3 A These kind of documents.

4 Q Who gave you those?

5 A I obtained them from the market research
6 department.

7 Q From the market research department? Okay. Who
8 specifically?

9 A Mr. Landman.

10 Q I'm sorry, could you spell his name?

11 A His Christian name is Ludwig, L-U-D-W-I-G, and
12 his surname is Landman, L-A-N-D-M-A-N, Landman.

13 Q Would the market research department, would they
14 have copies of all the market research that was done
15 pertaining to new products?

16 A Correct.

17 Q Including the Clean & Charge product?

18 A Correct.

19 Q Do they keep copies of all past market research?

20 A To the best of my knowledge when I left, yes.

21 Q Is Mr. Landman --

22 A Yes.

23 Q Is he still with Braun?

24 A Yes.

1 Dr. Hagele. So the conversation at that time would have
2 been with Dr. Hagele.

3 Q Okay. And did you seek any conclusions about
4 the commercial liability of this product when you were
5 first shown the prototype?

6 A No. I had a first impression, but, obviously,
7 when I saw what was demonstrated to me, it was not at a
8 stage where one could make a definitive decision or
9 recommendation.

10 Q And what was your first impression?

11 A At the time I was a little bit skeptical due to
12 the -- it was quite big and bulky, and it looked at that
13 time, as I recall, it was quite expensive.

14 Q Okay. Were there any other reasons that you can
15 remember as to why you were skeptical?

16 A No, it was those two reasons.

17 Q Size and cost?

18 A At that stage, yes, but this was a very early --
19 this was, you know, a working -- functional model, an
20 early demonstration model.

21 Q Did there come a time when your skepticism was
22 overcome?

23 A Between the demonstration of the product and my
24 not being responsible for shavers, I don't recollect any

1 MR. PATTON: I don't want to.

2 MR. UELAND: Q You can disagree with me,
3 Mr. Greaves.

4 A I think I said I don't know.

5 All I can say is that demonstration is my first
6 recollection, that's all I can say.

7 Q And you can't say if there is anything about
8 that demonstration that particularly makes it stand out
9 in your mind?

10 A No, no.

11 Q This morning we talked about this case study
12 that you had done in the 2002, 2003 time period, and I
13 asked you if you still had a copy of that document. And
14 you told me that it was in an electronic folder that was
15 on the Braun server?

16 A When I left the company.

17 Q Right.

18 A Yes.

19 Q What other documents were in that folder?

20 A In my folder?

21 Q Uh-huh.

22 A If my -- if I remember correctly, the strategic
23 business plans for 2003-2009 or 2003-2008, I can never
24 remember, and probably the strategic plan for the cycle

1 before, and there might have been some other documents
2 that I left in because they might be useful to other
3 people.

4 Q Would those strategic plans have included any
5 discussion about the cleaning center?

6 A They would have included -- the shaver financial
7 projections would be based on projected sales figures of
8 shavers with the cleaning segment.

9 Q You testified you left Braun in March of 2004?

10 A My last working day was the 28th or 29th of
11 February, yes.

12 Q Did anyone at Braun ever ask you about any
13 documents that you might have that might relate to the
14 cleaning center project?

15 A Subsequent to leaving Braun?

16 Q While you were still there.

17 A No.

18 Q Did anyone tell you that you should keep any
19 documents that you have that are related to the cleaning
20 center project?

21 A No, not that I recall.

22 Q So you weren't ever asked to collect any of your
23 personal documents that you had that were related to the
24 cleaning center project?

1 A No, no.

2 Q When you left your role as the business
3 management director for dry shavers, you passed your
4 records along, is that right, to your successor?

5 A They stayed in my office.

6 Q Okay. So I guess they didn't go anywhere,
7 they --

8 A They stayed in -- because he moved into my
9 office and I moved into another office.

10 Q Your successor inherited the documents, is that
11 fair to say?

12 A Correct, yes.

13 Q That document that we were just reviewing,
14 856.1, the one with your signature on it, is that a
15 document that you would have kept in your personal files
16 when you were the business management director for dry
17 shavers?

18 A I don't know. I just don't know what happened
19 to this document.

20 Q Well, I guess my question was a little bit
21 different. I asked, do you know, is this the kind of
22 document that would have been kept in your personal
23 files?

24 A It says here please return within ten days to